

REMARKS

This Amendment serves as a submission accompanying the RCE filed herewith. Claims 1-20 are canceled by this amendment. Claims 21-39 have been added.

In the Final Office Action of February 12, 2003 and a telephone interview conducted on April 20, 2003, the Examiner held that claims 1-20 were rejected because the term “medication logging,” giving its broadest reasonable interpretation, should be construed to encompass the compliance monitoring functions disclosed in Brown U.S. Patent No. 6,161,095, the primary asserted reference. Applicant respectfully disagrees with the Examiner’s construction, however, in an effort to move prosecution of this application forward Applicant has canceled claims 1-20 and drafted new claims 21-39, which do not use the term “medication logging.”

Applicant believes that the new claims clearly articulate the distinction between the present invention and compliance monitoring systems, such as those disclosed in Brown. Specifically, the system and apparatus claimed by the present invention operate to allow patients to record the times and circumstances surrounding their self administration of a medical procedure. It is our understanding that the Examiner recognized this distinction over Brown. Applicant believes that the new claims are clear on this point and Brown is, therefore, distinguished by the new claims.

Applicant will not address the Examiner’s representations with respect to the other cited prior art because Brown formed the basis for all of the pending rejections. Distinguishing over Brown, therefore, addresses all of the pending rejections.

CONCLUSION

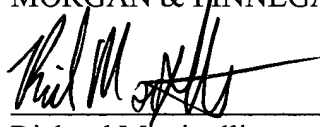
For these reasons, it is believed that all of the claims as currently presented are patentable, and that this application is now in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4297-4017.

Respectfully submitted,
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By: _____


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